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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

16 CV-8127

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MICHAEL J. CURRY, IV

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Plaintiff,

:

COMPLAINT

:

-against-

:

TAPPAN ZEE CONSTRUCTORS, LLC and
TRAYLOR BROS., INC.,

:

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

Defendants.

:

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**SUIT UNDER SPECIAL RULE FOR SEAMEN TO SUE
WITHOUT SECURITY OR PREPAYMENT OF FEES
FOR THE ENFORCEMENT OF THE LAWS OF THE
UNITED STATES, COMMON AND STATUTORY FOR
THE PROTECTION OF AND FOR THE HEALTH AND
SAFETY OF SEAMEN AT SEA**

Plaintiff, MICHAEL J. CURRY, IV, complaining of the defendants TAPPAN
ZEE CONSTRUCTORS, LLC and TRAYLOR BROS., INC., by his attorneys FRIEDMAN,
JAMES & BUCHSBAUM LLP, respectfully alleges upon information and belief as follows:

Jurisdictional & Venue Statement:

1. This Court's subject matter jurisdiction is premised upon the Jones Act, 46 U.S.C §§ 30104 *et seq.* (formerly codified at 46 U.S.C. § 688) and the general maritime law of the United States.

2. Venue is premised upon 45 U.S.C. § 56, as incorporated by the Jones Act, inasmuch as defendants are transacting business within the Southern District of New York and maintain offices and places of business within the Southern District of New York.

Parties:

3. At all relevant times, plaintiff MICHAEL J. CURRY, IV was and still is a citizen and resident of the State of New Jersey, County of Monmouth.

4. At all relevant times, defendant TAPPAN ZEE CONSTRUCTORS, LLC was and still is a limited liability company organized and existing pursuant to the laws of the State of Delaware authorized to transact business within the State of New York with an office and principal place of business located at 555 White Plains Road, Tarrytown, New York.

5. At all relevant times, defendant TRAYLOR BROS., INC. was and still is a corporation organized and existing pursuant to the laws of the State of Indiana authorized to transact business within the State of New York with its office and principal place of business located at 835 North Congress Avenue, Evansville, Indiana.

FIRST COUNT

6. At all times hereinafter mentioned, defendants, or any of them, owned the towing vessel PIONEER, used in connection with the new Tappan Zee Bridge construction project (hereinafter the "Project").

7. At all times hereinafter mentioned, defendants, or either of them, operated the towing vessel PIONEER, used in connection with the Project.

8. At all times hereinafter mentioned, defendants, or either of them, controlled the towing vessel PIONEER, used in connection with the Project.

9. At all times hereinafter mentioned, defendants, or either of them, owned a vessel known as a FlexiFloat/Anchor Barge/Stiff Leg used in connection with the Project.

10. At all times hereinafter mentioned, defendants, or either of them, operated a vessel known as a FlexiFloat/Anchor Barge/Stiff Leg used in connection with the Project.

11. At all relevant times, defendants, or either of them, controlled a vessel known as a FlexiFloat/Anchor Barge/Stiff Leg used in connection with the Project.

12. That at all times and dates hereinafter mentioned, the plaintiff was a seaman and member of the crew of the towing vessel PIONEER and the vessel known as a FlexiFloat/Anchor Barge/Stiff Leg hereinabove mentioned which were used in connection with the Project.

13. That on or about January 30, 2016, in the navigable waters of the Hudson River at or about the Project within the waters of the Southern District of New York, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of defendants, or either of them, and its/their agents, servants and/or employees, and by reason of the unseaworthiness of the towing vessel PIONEER and the vessel known as a FlexiFloat/Anchor Barge/Stiff Leg hereinabove mentioned, plaintiff was caused to sustain injuries.

14. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe and permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

15. By reason of the foregoing, plaintiff has been damaged in the sum of SEVEN MILLION (\$7,000,000.00) DOLLARS.

SECOND COUNT

16. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 15 as if set forth fully at length herein.

17. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

THIRD COUNT

18. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 17 as if set forth fully at length herein.

19. Despite repeated requests for defendants to authorize and pay for medically necessary surgery for plaintiff pursuant to its/their maintenance and cure obligations, defendants have wilfully and wantonly refused to authorize or pay for said surgery and/or otherwise delayed plaintiff's treatment.

20. As a result of the failure and/or delay of defendants to authorize and pay for medically necessary surgery pursuant to its/their maintenance and cure obligations, plaintiff

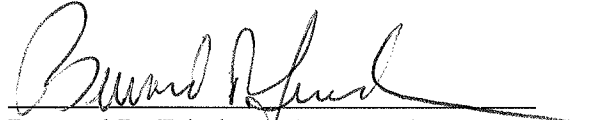
has been caused to incur additional pain and suffering, thereby entitling plaintiff to additional damages, and also entitling plaintiff to recover punitive damages and attorney's fees pursuant to Atlantic Sounding Co. v. Townsend, 557 U.S. 404 (2009).

WHEREFORE, plaintiff MICHAEL J. CURRY, IV demands judgment against defendants TAPPAN ZEE CONSTRUCTORS, LLC and/or TRAYLOR BROS., INC., on the First Count in the amount of SEVEN MILLION (\$7,000,000.00) DOLLARS; against defendants TAPPAN ZEE CONSTRUCTORS, LLC and/or TRAYLOR BROS., INC., on the Second Count in the amount of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; and against defendants TAPPAN ZEE CONSTRUCTORS, LLC and/or TRAYLOR BROS., INC. on the Third Count in the amount of TWENTY MILLION (\$20,000,000) DOLLARS, together with the costs, interest, attorney's fees and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 18, 2016

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Plaintiff

By:



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